

REMARKS

Applicant respectfully requests entry of the following amendments and remarks contained herein in response to the Office Action mailed November 24, 2004. Applicant respectfully submits that the Amendment and remarks contained herein place the instant application in condition for allowance.

Claims 1-46 were pending in the present application. Claims 1, 4, 7, 9-17, 22-23, 28-29, 31-34, 36, 39, and 42 have been amended hereby and claim 3 is canceled. After these amendments, claims 1-2 and 3-46 are now pending.

In paragraphs 1-2 of the Final Office Action, the Examiner maintained his assertions of the first Office Action that claims 1-46 were unpatentable under 35 U.S.C 103(a) over U.S. Patent No. 5,479,411 to Klein ("Klein") in view of U.S. Patent No. 6,349,336 to Sit et al. ("Sit"). In paragraph 3 of the Final Office action, the Examiner argued that Applicant's arguments in his previous response was based on the specification, but not on the scope of the claim language. To the extent any of these rejections might still be applied to claims presently pending in this application, it is respectfully traversed.

Applicant has amended independent claims 1, 7, 13, 22, 28, 34, and 39 to include the feature of automatically polling the email server for presence of new email messages when a predetermined amount of time has elapsed. In addition to the above feature, each of independent claims 34 and 39 further recites the feature of a process to automatically notify the subscriber of the incoming email messages. Applicant believes that neither Klein nor Sit teaches or suggests

the "automatically polling" and/or the "automatically notifying" features, as recited in the independent claims.

Klein is directed to a system for storing multi-media messages in an integrated voice and image format. In the case of email messages, when an email message is received it can be handled either conventionally or as an integrated voice and/or fax message. (Klein, col. 4, ll. 32-36.) If the integrated voice and/or fax message option is chosen, the header information is processed and stored as voice and image data that can be retrieved *on demand*. (Klein, col. 5, l. 1-col. 6, l. 23.) That is, the email server responds to a new email when the new email is received (Klein, col. 4, ll. 57-65), rather than automatically polls the presence of the new email.

Accordingly, Klein fails to teach or suggest automatically polling the email server for received email messages as recited in claims 1, 7, 13, 22, 28, 34 and 39. In addition, Klein fails to teach or suggest automatically notifying the subscriber of each new email message identified in response to the polling, as recited in claims 34 and 39.

Sit is directed to a method for enabling a tunneling action that allows a remote processor to communicate with a local processor via a reverse proxy device, a computer network, a firewall, and a proxy agent device.

However, the purpose of polling email server in Sit is not to check if there are new email messages, but to find out whether the remote processor has requested to initiate a communication with the local processor. Accordingly, Sit fails to teach or suggest "an email notification server to automatically poll the email server for presence of new email messages when a predetermined

amount of time has elapsed, as recited in amended claim 1, and similarly recited in amended claims 7, 13, 22, 28, 34, and 39.

Moreover, in addition to the "automatic polling" feature, neither Klein nor Sit teaches or suggests automatically notifying the subscriber of voicemail message, as recited in amended claim 34 and 39. The recited "automatic notification" feature in the present invention is an active operation, wherein the notification of new email messages is performed when new email messages are received during the "polling" operation. On the other hand, in Klein, messages are only conveyed to the users on demand, *i.e.*, in response to a call to a message system. That is, Klein converts the email message into a format of integrated voice-and-fax message (including a voice file and a fax file), and upon demand, presents the message as an integrated voice-and-fax message to the subscriber (that is, part of it in the form of a voicemail message and part of it in the form of a fax message).

Accordingly, for at least the foregoing reasons, applicant respectfully submits that claims 1-46 are patentable and requests that the Examiner reconsider and withdraw the rejection of these claims.

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In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicant's undersigned representative at the number listed below.


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Respectfully submitted,

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Date: January 21, 2004

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